

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Darrell Tykwan Atkinson

Docket No. 7:18-CR-58-1D

Petition for Action on Supervised Release

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Darrell Tykwan Atkinson, who, upon an earlier plea of guilty to Distribution of Quantity of Heroin, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on September 5, 2018, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Darrell Tykwan Atkinson was released from custody on July 31, 2020, at which time the term of supervised release commenced.

On September 10, 2020, a Violation Report was filed advising the court that Atkinson submitted to a urinalysis test which resulted in a positive reading for marijuana. The court agreed to continue supervision under conditions previously imposed and that Atkinson be referred for substance abuse treatment, increased urinalysis testing, and be exposed to cognitive behavioral techniques.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 26, 2020, Atkinson submitted to a urinalysis test which resulted in a positive reading for marijuana. Atkinson has submitted to two urinalysis tests thus far on his term of supervised release and both had been positive.

It is the belief of the probation office that Atkinson is in need of the most intensive outpatient substance abuse treatment available and has referred him to Intensive Outpatient Treatment (IOP). Further, to structure his life and serve as a punitive sanction for using marijuana, the probation officer is recommending Atkinson's conditions of supervised release be amended to include a condition for 60 days location monitoring.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ David W. Leake
David W. Leake
Supervising U.S. Probation Officer

/s/ Erik J. Graf
Erik J. Graf
U.S. Probation Officer
414 Chestnut Street, Suite 102
Wilmington, NC 28401-4290
Phone: 910-679-2031
Executed On: October 9, 2020

ORDER OF THE COURT

Considered and ordered this 11 day of October, 2020, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge